IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Seung-Taek HYON   Examiner: Khai Minh NGUYEN

Serial No.:   10/002,919   Group Art Unit: 2617

Filed: November 15, 2001   Docket: 678-674 (P9693)

Dated: June 3, 2009

For: **EMOTICON INPUT METHOD FOR MOBILE TERMINAL**

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

TRANSMITTAL OF APPELLANTS' BRIEF ON APPEAL

Sir:

Enclosed please find APPELLANTS' BRIEF.

Also enclosed is a credit card payment in the amount of $540.00 to cover the appeal fee.

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Respectfully submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPLICANT(S):	Seung-Taek HYON	**ART UNIT:**	2617
APPLICATION NO.:	10/002,919	**EXAMINER:**	Khai Minh NGUYEN
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APPELLANT'S BRIEF ON APPEAL

REAL PARTY IN INTEREST

The real party in interest is Samsung Electronics Co., Ltd., the assignee of the subject application, having an office at 416, Maetan-dong, Yeongtong-gu, Suwon-si, Gyeonggi-do, Republic of Korea.

RELATED APPEALS AND INTERFERENCES

To the best of Appellant's knowledge and belief, there are no currently pending related appeals, interferences or judicial proceedings.

STATUS OF CLAIMS

The original application filed on November 15, 2001 contained Claims 1-21. In a response dated October 17, 2005, Claim 16 was amended. In a response dated May 30, 2006, Claims 1, 6, 10 and 16 were amended, Claims 22-28 were added, and Claim 3 was cancelled without prejudice. In a response dated October 17, 2006, Claim 22 was amended. In a response dated April 12, 2007, Claims 1 and 16 were amended. In a response dated April 21, 2008, Claims 1, 10, 16 and 22 were amended. In a response dated August 12, 2008, Claims 1, 4, 10, 16, 22 and 24-27 were amended, Claim 29 was added, and Claims 6 and 18 were cancelled without prejudice. In a response dated March 3, 2009, Claims 1, 2, 4, 5 and 7-9 were cancelled without prejudice.

Thus, Claims 10-17 and 19-29 are pending. Claims 10, 16 and 22 are in independent form. Claims 10-17 and 19-29 stand rejected and are appealed.

STATUS OF AMENDMENTS

To date, all of the amendments to the claims have been entered. Thus, the Appendix to this Appeal Brief includes Claims 10-17 and 19-29, of which the status of Claim 10, 16 and 22-29 are indicated as "Previously Presented," and the status of Claims 11-15, 17 and 19-21 are indicated as "Original."

SUMMARY OF CLAIMED SUBJECT MATTER

The invention, as recited in Claim 10, relates to an emoticon input method in a mobile terminal. A plurality of emoticons within a range of a transmittable SMS (Short Message Service) message, formed by utilizing a plurality of typical characters and special characters in combination, are created by a user. (Specification, page 9, lines 21-22)[1]. The plurality of emoticons are grouped

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[1] Although a citation for each feature of the claims is provided herein, Appellant notes that support may be found elsewhere in the written description.

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and the emoticons are stored by groups in the mobile terminal. (Specification, page 9, line 22 through page 10, line 3). An emoticon input mode is entered, and a list of the stored emoticon groups are displayed. (Specification, page 7, lines 12-14; and FIG. 3, elements S10 and S20). An emoticon group is selected, and the emoticons of an emoticon group selected by a user are displayed. (Specification, page 7, lines 14-19; and FIG. 3, elements S30 and S40). An emoticon selected by the user is stored with an SMS message. (Specification, page 7, line 22, through page 8, line 1; and FIG. 3, element S60).

The invention, as recited in Claim 16, relates to an emoticon input method in a mobile terminal. At least one emoticon within a range of a transmittable SMS (Short Message Service) message, which is formed by utilizing a plurality of typical characters and special characters in combination, is created by a user. (Specification, page 9, lines 21-22). The at least one emoticon is stored in an emoticon group selected by a user among a plurality of emoticon groups comprised of previously grouped emoticons according to a specific reference. (Specification, page 9, line 22, through page 10, line 3). A list of the plurality of emoticon groups is displayed in an emoticon input mode. (Specification, page 7, lines 13-14; and FIG. 3, element S20). Emoticons included in an emoticon group, selected by a user among the plurality of emoticon groups, are displayed. (Specification, page 7, lines 17-19, and FIG. 3, element S40). At least one emoticon from the displayed emoticons is selected by the user. (Specification, page 7, line 22, through page 8, line 1; and FIG. 3, element S60). An SMS message, including the at least one emoticon selected by a user, is transmitted. (Specification, page 9, lines 8-13).

The invention, as recited in Claim 27, relates to an emoticon input method in a mobile terminal. An emoticon input mode is entered. (Specification, page 7, lines 12-13; and FIG. 3, element S10). A list of a plurality of emoticon groups, comprised of previously grouped emoticons within a range of a transmittable SMS (Short Message Service) message according to a specific reference in the emoticon input mode, is displayed. (Specification, page 7, lines 13-14; and FIG. 3, element S20). The emoticons are created by utilizing a plurality of typical characters and special characters in combination, and stored in the mobile terminal. (Specification, page 9, line 21, through

page 10, line 3). Emoticons included in an emoticon group selected by a user among the plurality of emoticon groups are displayed. (Specification, page 7, lines 14-19; and FIG. 3, elements S30 and S40). An emoticon from the displayed emoticons is selected by the user. (Specification, page 7, line 22, through page 8, line 1; and FIG. 3, element S60). The emoticon selected by the user is stored within an SMS message. (Specification, page 7, line 22, through page 8, line 1; and FIG. 3, element S60).

The invention, as recited in Claims 12 and 25, relates to the methods of Claims 10 and 22, respectively, wherein the emoticons are created and stored directly by the user. (Specification, page 9, line 21, through page 10, line 3).

The invention, as recited in Claim 13, 19 and 26, relates to the methods of Claims 10, 16 and 22, respectively, wherein the emoticons are received from a base station and stored in the mobile terminal. (Specification, page 9, line 21, through page 10, line 3).

The invention, as recited in Claim 14, 20 and 27, relates to the methods of Claims 10, 16 and 22, respectively, wherein the emoticons are downloaded into the mobile terminal from the Internet and stored in the mobile terminal. (Specification, page 9, line 21, through page 10, line 3).

The invention, as recited in Claim 15, 21 and 28, relates to the methods of Claims 10, 16 and 22, respectively, further comprising the step of changing and editing the emoticons by the user. (Specification, page 9, line 21, through page 10, line 3).

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether Claims 10-12, 15-17, 21-25, 28 and 29 are unpatentable under 35 U.S.C. §103(a) over U.S. Patent No. 6,064,383 to *Skelly* in view of International Publication No. WO 00/57617 to *Kraft et al.* (hereinafter, *Kraft*), Japanese Publication No. 10-198165 to *Umeda et al.* (hereinafter, *Umeda*) and U.S. Patent No. 6,539,240 to *Watanabe*.

Whether Claims 13, 14, 19, 20, 26 and 27 are unpatentable under 35 U.S.C. §103(a) over *Skelly* in view of *Kraft*, *Umeda*, *Watanabe* and U.S. Publication No. 2004/0002325 to *Evans et al.* (hereinafter, *Evans*).

ARGUMENT

The Examiner rejected Claims 10-17 and 19-29 under 35 U.S.C. §103(a) as being unpatentable over one or more of *Skelly*, *Kraft*, *Umeda*, *Watanabe* and *Evans*.

I. Claims 10-12, 15-17, 21-25, 28 and 29 are patentable over the combination of *Skelly*, *Kraft*, *Umeda* and *Watanabe*

A. Independent Claim 10

The Examiner contends that each element the claims is taught, suggested or rendered obvious by the combination of *Skelly*, *Kraft*, *Umeda* and *Watanabe*.[2] More specifically, the Examiner contends that *Skelly* teaches or suggests each element of Claim 10 with the exception of entering an emoticon input mode while an SMS message is written, creating, by the user, at least one emoticon within a range of a transmittable SMS message, which is formed by utilizing a plurality of typical characters and special characters in combination, and represents a hieroglyphic character. The Examiner cites *Kraft*, *Umeda* and *Watanabe* in an attempt to remedy these deficiencies.[3]

Skelly discloses a user interface that enables a user to select a character appearance that corresponds with an emotional intensity.[4] *Kraft* discloses a communication terminal for handling messages that include a text part, a graphical part and information defining the position of the graphical part within the text part.[5] *Umeda* discloses a multimedia electronic mail system.[6]

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[2] See Final Office Action dated December 3, 2008, page 5.
[3] See Final Office Action dated December 3, 2008, pages 6-7.
[4] See *Skelly*, Abstract.
[5] See *Kraft*, Abstract.
[6] See *Umeda*, Abstract.

Watanabe discloses a communication apparatus for reception of a character representing a communication target and action information representing an action of the character.[7]

Regarding Claim 10, this claim recites, in part, an emoticon input method in a mobile terminal that groups a plurality of emoticons and stores the emoticons by groups in the mobile terminal. A list of the stored emoticon groups is displayed, an emoticon group is selected, and the emoticons of the selected emoticon group are displayed. A selected emoticon is stored in an SMS message.

In rejecting Claim 10, the Examiner cites a portion of *Skelly* describing a set of bitmaps for each character, to reflect gestures and expressions for the character.[8] A list of emoticons is maintained, along with associated gestures and expressions. Upon finding an emoticon entry, the system modifies the expression of a character in a chat session.[9] Thus, while it is possible that gestures and expressions are grouped according to a corresponding emoticon in a list, *Skelly* fails to disclose that a plurality of emoticons are grouped. Additionally, the Examiner has conceded that *Skelly* fails to disclose the storage of emoticons by group in the mobile terminal, but fails to provide additional support for the rejection.[10]

The Examiner further cites a portion *Skelly* describing an emotion wheel that allows a user to provide an emotion and corresponding emotional intensity to a character.[11] However, *Skelly* clearly defines an emoticon as a series of characters representing an emotion.[12] The emotion wheel of *Skelly* involves user placement of a position indicator for setting an emotional intensity of a character, and does not allow for the use of a series of characters representing an emotion. Thus, the emotion wheel of *Skelly* also fails to relate to emoticons.

Contrary to the contentions of the Examiner, *Skelly* fails to disclose the display of a list of stored emoticon groups, the selection of an emoticon group, and the display of emoticons in a

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[7] See *Watanabe*, Abstract.
[8] See Advisory Action dated March 13, 2009, page 2.
[9] See *Skelly*, column 1, lines 43-54.
[10] See Final Office Action dated December 3, 2008, page 5.
[11] See Advisory Action dated March 13, 2009, page 2.
[12] See *Skelly*, column 1, lines 48-52.

selected group, as recited in Claim 10. *Kraft, Umeda* and *Watanabe* fail to remedy the deficiencies of *Skelly* described above. Therefore, Claim 10 is patentable over the combination of *Skelly, Kraft, Umeda* and *Watanabe*.

B. Independent Claim 16

The Examiner also rejected independent Claim 16 under 35 U.S.C. § 103(a) contending that Claim 16 contained similar recitations as those set forth in Claim 10.[13]

Appellant asserts that Claim 16 is patentable for at least the reasons presented above with regard to Claim 10. More specifically, Claim 16 recites storing at least one emoticon in an emoticon group, displaying a list of emoticon groups, and displaying emoticons included in the emoticon group. As described above with regard to Claim 10, the combination of *Skelly, Kraft, Umeda* and *Watanabe* fails to teach, suggest or render obvious these steps.

Accordingly, the combination of *Skelly, Kraft, Umeda* and *Watanabe* fails to teach, suggest or render obvious each and every element of Claim 16. Therefore, it is respectfully submitted that Claim 16 is patentable over the combination of *Skelly, Kraft, Umeda* and *Watanabe*.

C. Independent Claim 22

The Examiner also rejected independent Claim 22 under 35 U.S.C. § 103(a) contending that Claim 22 contained similar recitations as those set forth in Claim 10.[14]

Appellant asserts that Claim 22 is patentable for at least the reasons presented above with regard to Claim 10. More specifically, Claim 22 recites displaying a list of emoticon groups, and displaying emoticons included in an emoticon group. As described above with regard to Claim 10, the combination of *Skelly, Kraft, Umeda* and *Watanabe* fails to teach, suggest or render obvious these steps.

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[13] See Final Office Action dated December 3, 2008, page 8.
[14] See Final Office Action dated December 3, 2008, page 10.

Accordingly, the combination of *Skelly*, *Kraft*, *Umeda* and *Watanabe* fails to teach, suggest or render obvious each and every element of Claim 22. Therefore, it is respectfully submitted that Claim 22 is patentable over the combination of *Skelly*, *Kraft*, *Umeda* and *Watanabe*.

D. Dependent Claims 12 and 25

Claims 12 and 25 are patentable at least by virtue of their dependency from independent Claims 10 and 22, respectively. The patentability of Claims 10 and 22 is described above. It is respectfully submitted that because the above arguments place the independent claims in condition for allowance, these dependent claims are also believed to be in condition for allowance. However, Claims 12 and 25 also recite patentable subject matter in their own right.

Claim 12 recites that the emoticons are created and stored directly by the user. *Skelly* describes a head mapping table and a body mapping table,[15] however, these tables are utilized for character creation and fails to relate to emoticons. Specifically, *Skelly* fails to provide any disclosure relating to the creation and storage of emoticons by the user, as recited in Claim 12. Claim 25 recites elements similar to those of Claim 12. *Kraft*, *Umeda* and *Watanabe* fail to remedy the deficiencies of *Skelly*.

Therefore, the combination of *Skelly*, *Kraft*, *Umeda* and *Watanabe* fails to teach suggest or render obvious every element of Claims 12 and 25, and it is respectfully submitted that Claims 12 and 25 are patentable over the combination of *Skelly*, *Kraft*, *Umeda* and *Watanabe*.

E. Dependent Claims 15, 21 and 28

Claims 15, 21 and 28 are patentable at least by virtue of their dependency from independent Claims 10, 16 and 22, respectively. The patentability of Claims 10, 16 and 22 is described above. It is respectfully submitted that because the above arguments place the independent claims in condition

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[15] See *Skelly*, FIG. 10.

for allowance, these dependent claims are also believed to be in condition for allowance. However, Claims 15, 21 and 28 also recite patentable subject matter in their own right.

Claim 15 recites that the step of changing and editing the emoticons by the user. The Examiner again cites a portion of *Skelly* describing a head mapping table and a body mapping table, which fail to relate to emoticons.[16] Thus, *Skelly* fails to provide any disclosure relating to the changing and editing of emoticons by the user, as recited in Claim 15. Claims 21 and 28 recite elements similar to those of Claim 15. *Kraft*, *Umeda* and *Watanabe* fail to remedy this deficiency of *Skelly*.

Therefore, the combination of *Skelly*, *Kraft*, *Umeda* and *Watanabe* fails to teach suggest or render obvious every element of Claims 15, 21 and 28, and it is respectfully submitted that Claims 15, 21 and 28 are patentable over the combination of *Skelly*, *Kraft*, *Umeda* and *Watanabe*.

F. Dependent Claims 11, 17, 23, 24 and 29

Claims 11, 17, 23, 24 and 29 are patentable at least by virtue of their dependency from independent Claims 10, 16 and 22. The patentability of Claims 10, 16 and 22 is described above.

It is respectfully submitted that because the above arguments place the independent claims in condition for allowance, these dependent claims are also believed to be in condition for allowance. Therefore, the combination of *Skelly*, *Kraft*, *Umeda* and *Watanabe* fails to teach suggest or render obvious every element of Claims 11, 17, 23, 24 and 29, and it is respectfully submitted that Claims 11, 17, 23, 24 and 29 are patentable over the combination of *Skelly*, *Kraft*, *Umeda* and *Watanabe*.

Accordingly, Appellant asserts that Claims 10-12, 15-17, 21-25, 28 and 29 are allowable over the combination of *Skelly*, *Kraft*, *Umeda* and *Watanabe*, and respectfully request withdrawal of the rejection under 35 U.S.C. §103(a).

II. Claims 13, 14, 19, 20, 26 and 27 are patentable over the combination of *Skelly*, *Kraft*, *Umeda*, *Watanabe* and *Evans*

A. Dependent Claims 13, 19 and 26

Evans describes the communication of multimedia documents from multimedia servers to multimedia clients,[17] and fails to remedy the deficiencies of *Skelly*, *Kraft*, *Umeda* and *Watanabe* described above with respect to Claim 10. Claims 13, 19 and 26 are patentable at least by virtue of their dependency from independent Claims 10, 16 and 22, respectively. The patentability of Claims 10, 16 and 22 is described above. It is respectfully submitted that because the above arguments place the independent claims in condition for allowance, these dependent claims are also believed to be in condition for allowance. However, Claims 13, 19 and 26 also recite patentable subject matter in their own right.

Claim 13 recites that the emoticons are received from a base station and stored in the mobile terminal. *Evans* describes the downloading of images for a theme from a remote server the first time a service is accessed,[18] but fails to provide any disclosure relating to emoticons. Specifically, *Evans* fails to disclose the reception of emoticons from a base station for storage at a mobile terminal, as recited in Claim 13. Claims 19 and 26 recite elements similar to that of Claim 13. *Skelly*, *Kraft*, *Umeda* and *Watanabe* fail to remedy the deficiencies of *Evans*.

Therefore, the combination of *Skelly*, *Kraft*, *Umeda*, *Watanabe* and *Evans* fails to teach suggest or render obvious every element of Claims 13, 19 and 26, and it is respectfully submitted that Claims 13, 19 and 26 are patentable over the combination of *Skelly*, *Kraft*, *Umeda*, *Watanabe* and *Evans*.

B. Dependent Claims 14, 20 and 27

Claims 14, 20 and 27 are patentable at least by virtue of their dependency from independent Claims 10, 16 and 22, respectively. The patentability of Claims 10, 16 and 22 is described above. It is respectfully submitted that because the above arguments place the independent claims in condition

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[16] See *Skelly*, FIG. 10.
[17] See *Evans*, [0002].
[18] See *Evans*, [0148].

for allowance, these dependent claims are also believed to be in condition for allowance. However, Claims 14, 20 and 27 also recite patentable subject matter in their own right.

Claim 14 recites that the emoticons are downloaded into the mobile terminal from the Internet and stored in the mobile terminal. The Examiner again cites a portion of *Evans* describing the downloading of images for a theme,[19] which fails to provide any disclosure relating to the downloading of emoticons from the Internet for storage in a mobile terminal, as recited in Claim 14. Claims 20 and 27 recite elements similar to those of Claim 14. *Skelly*, *Kraft*, *Umeda* and *Watanabe* fail to remedy this deficiency of *Evans*.

Therefore, the combination of *Skelly*, *Kraft*, *Umeda*, *Watanabe* and *Evans* fails to teach suggest or render obvious every element of Claims 14, 20 and 27, and it is respectfully submitted that Claims 14, 20 and 27 are patentable over the combination of *Skelly*, *Kraft*, *Umeda*, *Watanabe* and *Evans*.

Accordingly, Appellant asserts that Claims 13, 14, 19, 20, 26 and 27 are allowable over the combination of *Skelly*, *Kraft*, *Umeda*, *Watanabe* and *Evans*, and respectfully request withdrawal of the rejection under 35 U.S.C. §103(a).

CONCLUSION

It is well settled that in order for a rejection under 35 U.S.C. §103(a) to be appropriate, the claimed invention must be shown to be obvious in view of the prior art as a whole. A claim may be found to be obvious if it is first shown that all of the recitations of a claim are taught in the prior art or are suggested by the prior art. In re Royka, 490 F.2d 981, 985, 180 U.S.P.Q. 580, 583 (C.C.P.A. 1974), cited in M.P.E.P. §2143.03.

The Examiner has failed to show that all of the recitations of Claims 10-17 and 19-29 are taught or suggested by the art of record, or the combination thereof. Accordingly, the Examiner has failed to make out a prima facie case for an obviousness rejection.

The Examiner has failed to show that all of the recitations of Claims 10-17 and 19-29 are taught or suggested by the art of record, or the combination thereof. Accordingly, the Examiner has failed to make out a prima facie case for an obviousness rejection.

As the Examiner has failed to make out a prima facie case for the obviousness rejection, the rejections of Claims 10-17 and 19-29 must be reversed.

Dated: June 3, 2009

By:_____

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CLAIMS APPENDIX

1-9. (Cancelled)

10. (Previously Presented) An emoticon input method in a mobile terminal, comprising the steps of:

creating, by a user, a plurality of emoticons within a range of a transmittable SMS (Short Message Service) message formed by utilizing a plurality of typical characters and special characters in combination;

grouping said plurality of emoticons and storing the emoticons by groups in the mobile terminal;

entering an emoticon input mode;

displaying a list of the stored emoticon groups;

selecting an emoticon group;

displaying the emoticons of an emoticon group selected by a user; and

storing an emoticon selected by the user with an SMS message.

11. (Original) The emoticon input method of claim 10, wherein the emoticons are stored by a manufacturer in the process of manufacturing.

12. (Original) The emoticon input method of claim 10, wherein the emoticons are created and stored directly by the user.

13. (Original) The emoticon input method of any of claim 10, wherein the emoticons are received from a base station and stored in the mobile terminal.

14. (Original) The emoticon input method of claim 10, wherein the emoticons are downloaded into the mobile terminal from the Internet and stored in the mobile terminal.

15. (Original) The emoticon input method of claim 10, further comprising the step of changing and editing the emoticons by the user.

16. (Previously Presented) An emoticon input method in a mobile terminal, comprising the steps of:
   creating, by a user, at least one emoticon within a range of a transmittable SMS (Short Message Service) message, which is formed by utilizing a plurality of typical characters and special characters in combination;
   storing the at least one emoticon in an emoticon group selected by a user among a plurality of emoticon groups comprised of previously grouped emoticons according to a specific reference;
   displaying a list of the plurality of emoticon groups in an emoticon input mode;
   displaying emoticons included in an emoticon group selected by a user among the plurality of emoticon groups;
   selecting, by a user, at least one emoticon from the displayed emoticons; and
   transmitting an SMS message including the at least one emoticon selected by a user.

17. (Original) The emoticon input method of claim 16, wherein the emoticons are formed and stored by a manufacturer in the process of manufacturing.

18 (Canceled)

19. (Original) The emoticon input method of claim 16, wherein the emoticons are received from a base station and stored in the mobile station.

20. (Original) The emoticon input method of claim 16, wherein the emoticons are downloaded into the mobile terminal from the Internet and stored in the mobile terminal.

21. (Original) The emoticon input method of claim 16, further comprising the step of changing and editing the emoticons by the user.

22. (Previously Presented) An emoticon input method in a mobile terminal, comprising the steps of:

entering an emoticon input mode;

displaying a list of a plurality of emoticon groups comprised of previously grouped emoticons within a range of a transmittable SMS (Short Message Service) message according to a specific reference in the emoticon input mode, wherein the emoticons are created by utilizing a plurality of typical characters and special characters in combination, and stored in the mobile terminal;

displaying emoticons included in an emoticon group selected by a user among the plurality of emoticon groups;

selecting, by a user, an emoticon from the displayed emoticons; and

storing within an SMS message the emoticon which is selected by the user.

23. (Previously Presented) The emoticon input method of claim 22, wherein the list of emoticons and the emoticons are stored in the form of a bit map.

24. (Previously Presented) The emoticon input method of claim 22, further comprising the step of transmitting the SMS message including the stored emoticon.

25. (Previously Presented) The emoticon input method of claim 22, wherein the list of a plurality of emoticon groups and the emoticons are created and stored by the user.

26. (Previously Presented) The emoticon input method of claim 22, wherein the list of a plurality of emoticon groups and the emoticons are received from a base station and stored in the mobile terminal.

27. (Previously Presented) The emoticon input method of claim 22, wherein the list of a plurality of emoticon groups and the emoticons are downloaded into the mobile terminal from the Internet and stored in the mobile terminal.

28. (Previously Presented) The emoticon input method of claim 22, further comprising the step of changing and editing the emoticons by the user.

29. (Previously Presented) The emoticon input method of claim 16, wherein the emoticon groups include upper groups and lower groups.

EVIDENCE APPENDIX

There is no evidence submitted pursuant to 37 C.F.R. 1.130, 1.131, 1.132 or entered by the Examiner and relied upon by Appellants.

RELATED PROCEEDINGS APPENDIX

There are no known decisions rendered by a court or the Board in any proceeding identified pursuant to paragraph (c)(1)(ii) of 37 C.F.R. 41.37.